

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Calvin Thomas King,

Civ. No. 17-5264 (JRT/BRT)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

State of Minnesota; D.O.C.; Lindsey  
Jennelle; Deborah MacNeil; Susan  
Norton; Amanda Anthony; John Quist;  
Corey Anderson; Lind Nacole; Jason  
Hills; Bob Martin; Jason Smith; Doug  
Witte; Jeff Austrong; DOC Oak Park;  
DOC Stillwater; and Lori Korte,

Defendants.

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In an order dated March 16, 2018, this Court ordered plaintiff Calvin Thomas King, a prisoner, to submit sufficient financial information from which his initial partial filing fee could be calculated. *See* ECF No. 3 (citing 28 U.S.C. § 1915(b)). King was given twenty days to submit the required financial information, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and King has not submitted the required financial information. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under

Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

#### RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: April 16, 2018

s/ Becky R. Thorson  
Becky R. Thorson  
United States Magistrate Judge

#### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).